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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

E-FILED - 4/7/06

UNITED STATES OF AMERICA,)	No: CR05-00285-RMW
Plaintiff,)	
)	
v.)	STIPULATION AND
)	ORDER CONTINUING STATUS CONFERENCE
)	AND EXCLUDING TIME UNDER
)	SPEEDY TRIAL ACT, 18 USC § 3161
)	
Jose Alfredo Souza,)	
Defendant.)	

This matter is scheduled for a status conference on Monday, April 3, 2006 at 9:00 a.m. On March 8, 2006, the defense filed an Ex Parte Application in Support of the Issuance of Rule 17 Subpoenas for Police Officer Personnel Records. On March 9, 2006 Hon. Magistrate Judge Howard Lloyd issued the subpoenas. The subpoenas required a response date of March 27, 2006. Unfortunately, the U.S. Marshal's Service was not able to serve the subpoenas on the Watsonville Police Department until the afternoon of Friday, March 24, 2006. The Watsonville Police Department is entitled to have ten court days to respond to the subpoenas in some manner. It is anticipated that

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1 the Watsonville Police Department will file some motion in response to the subpoenas. As a result of
2 this pending discovery litigation, the parties agree that a continuance is necessary.

3 Plaintiff United States of America, by and through Special Assistant United States Attorney
4 Matthew Harris, and defendant Jose Alfredo Souza, by and through attorney Michelle D. Spencer,
5 hereby agree and stipulate that this matter be continued from April 3, 2006 at 9:00 a.m. to April 24,
6 2006 at 9:00 a.m. The parties agree and stipulate that the period of time from April 3, 2006 through
7 and including April 24, 2006, shall be excluded from the period of time within which trial must
8 commence under the Speedy Trial Act, 18 U.S.C. § 3161 et seq .
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10 The parties agree that a continuance is needed for continuity of counsel and effective
11 preparation and investigation.
12

13 KEVIN V. RYAN
14 United States Attorney

15 Dated:

_____/S/_____
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MATTHEW HARRIS
Special Assistant United States Attorney
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18 Dated:

_____/S/_____
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MICHELLE D. SPENCER
Attorney for Jose Alfredo Souza
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21 **ORDER**

22 Based upon the foregoing Stipulation, and good cause appearing therefor,
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24 IT IS HEREBY ORDERED THAT that the status conference set for April 3, 2006 be
25 continued to April 24, 2006 at 9:00 a.m.

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1 IT IS FURTHER ORDERED that the period of time from April 3, 2006 through and including
2 April 24, 2006 be excluded from the period of time within which trial must commence under the
3 Speedy Trial Act, 18 U.S.C. § 3161 et seq. based upon the statutory provision therein, including that
4 time is needed for effective defense preparation and investigation. The Court finds pursuant to Title
5 18, United States Code, Section 3161(h)(8)(A), considering the factor set forth therein, that the
6 interests of justice in granting this continuance outweigh the defendant's and the public's interests in a
7 speedy trial inasmuch as the parties need additional time for continuity of counsel and effective
8 preparation and investigation.
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12 IT IS SO ORDERED.

13 Date: 4/7/06 /s/ Ronald M. Whyte
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15 HON. RONALD M. WHYTE
16 United States District Judge
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